

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

ALBERT MIKHAYLOVICH BARATOV,	:	Civ. Action No. 17-3775 (RMB)
	:	
Plaintiff,	:	
v.	:	ORDER
	:	
THOMAS R. KANE <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

For the reasons set forth in the accompanying Opinion;

IT IS therefore on this **22nd** day of **February 2019**,

ORDERED that Plaintiff's motion for judgment on the pleadings (ECF No. 15) is **GRANTED** in part pursuant to Federal Rule of Civil Procedure 60(b)(6); and it is further

ORDERED that the Opinion and Order dated May 24, 2018 (ECF Nos. 11 and 12) are **VACATED** pursuant to Fed. R. Civ. P. 60(b)(6); and it is further

ORDERED that the Clerk of Court shall reopen Defendants' motion to dismiss (ECF No. 7); and it is further

ORDERED that Plaintiff's claims against Defendant John Does #2-5 are dismissed without prejudice for failure to state a claim; and it is further

ORDERED that Plaintiff's Due Process Claims under Bivens are dismissed with prejudice; and it is further

ORDERED that the Clerk of the Court shall file a copy of Plaintiff's Complaint (ECF No. 1) and the Federal Defendants' motion to dismiss (ECF No. 7) in a new action under 28 U.S.C. § 2241; the new action shall include the Warden of FCI Fort Dix as a Respondent; the Clerk shall enter a copy of this Order and the accompanying Opinion on the docket of the new action under 28 U.S.C. § 2241, and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Order and the accompanying Opinion on Plaintiff by regular U.S. mail.

s/Renée Marie Bumb
RENÉE MARIE BUMB
United States District Judge